

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

TIMOTHY FERGUSON,	)	
	)	
Plaintiff,	)	Case No. 20-cv-04046
	)	
vs.	)	
	)	
COOK COUNTY, ILLINOIS, et al,	)	Magistrate Gabriel A. Fuentes
	)	
Defendants.	)	

**MOTION TO EXTEND DISCOVERY**

The Plaintiffs, by and through their counsel of record, submit this motion to extend discovery. In support, they state as follows.

1. On August 18, 2023, the Court indicated that an extension of the deadline for discovery is appropriate in this case. The Court directed the parties to file a motion to extend discovery on September 7, 2023.

2. The Court also directed defense counsel to provide counsel for the Plaintiffs with dates when the defendant depositions could be completed. As of September 11, 2023, those dates have not been provided. Consequently, Plaintiff's counsel has been unable to notice these necessary depositions.

3. On September 6, 2023, Plaintiff's counsel reached out to the defense counsel to inquire about a possible date for extended discovery. Plaintiff's counsel suggested a date of February 1, 2024. The basis for this request is as follows. Following the unfortunate events identified in the last status report, Plaintiff's counsel had to immediately return from the state of Utah to try the case of *U.S. v. Balthazar* (22 CR 21) before Judge Gettleman on August 28, 2023. Immediately following Mr. Balthazar's acquittal, the undersigned had to return to Utah for a final event related

to the passing of his wife's grandmother. On September 5, 2023, the undersigned was required to appear in the Western District of Wisconsin to conduct a *Franks* hearing in *U.S. v. Michael Clark* (3:17-cr-00053). On September 6, 2023, the undersigned traveled to New York City to conduct the sentencing in *U.S. v. Julia Greenberg* (1:21-cr-00092) in the Southern District of New York on September 7, 2023. On September 8, 2023, the undersigned appeared to conduct oral argument before the Seventh Circuit in *U.S. v. Hofschulz* (21-3403). On September 25, 2023, the undersigned is scheduled to begin trial in *U.S. v. Sayegh* (2:21-cr-00172) in the Southern District of Ohio. This case is scheduled to last for three weeks. While an effort at a guilty plea was made on September 11, 2023, the unexpected recusal of the judge immediately thereafter may render that unfeasible. If the *Sayegh* case proceeds as scheduled, it will conclude around October 13, 2023. On October 30, 2023, the undersigned begins an attempted murder trial in *People v. Sistrunk* (21CR0569301) in Cook County. On November 6, 2023, the undersigned begins trial in *U.S. v. Kahn* (2:17-cr-00029) in the District of Wyoming. This is a retrial following a remand from the Supreme Court and the Tenth Circuit. It will last six weeks. With the Thanksgiving and Veterans Day holidays factored in, it will not conclude until, optimistically, just before the Christmas holiday. With that schedule in place, the month of January could be used to conduct the remaining depositions. All could be concluded by February 1, 2024.

4. The undersigned received no responses from defense counsel until September 11, 2023. Defense counsel now uniformly indicate that they take no position on the proposed extension. While the extension is longer than the undersigned would like, given the criminal trial schedule he has in place, a cutoff date of February 1, 2024 is reasonable.

5. The undersigned is still awaiting dates from defense counsel for depositions. When he receives those dates, he will notice the depositions so they can be completed.

/s/Beau B. Brindley

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